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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,086	03/31/2004	Heinrich Roder	130229-02	7307
35684	7590	10/05/2005	EXAMINER	
BUTZEL LONG 350 SOUTH MAIN STREET SUITE 300 ANN ARBOR, MI 48104			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/814,086

Applicant(s)

RODER ET AL.

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Draut (US 3,838,987).

As to claim 1, Draut discloses a locking device capable of vertical connection of an upper connection component **18**, that comprises an upper engaging section, to a lower connection component **19**, that comprises a lower engaging section, the upper connection component and the lower connection component being spaced apart by a substantially nonadjustable, fixed distance (upper and lower connection components **18,19** are frictionally locked at a spaced apart, nonadjustable, fixed distance once shell segments **11,12** and keys **21** are assembled in a locked position), the locking device comprising two shell segments **11,12** each of which only partially extends around opposite vertical sides of the connection from the outside and in horizontal direction, with the shell segments comprising an upper and a lower edge adjacent to each of which an upper and a lower engaging section facing the connection is provided so that, should the connection of the two connection components come apart, the upper engaging section of the shell segments is supported against the upper engaging section provided at the upper connection component, while the lower engaging section of the

Art Unit: 3679

shell segments holds the lower engaging section of the lower connection component (Figures 1-3).

Applicant is reminded that orientation is based upon the angle at which an object is viewed.

As to claim 2, Draut discloses a locking device further comprising an upper and a lower washer **22,23** each being assembled of first and second washer segments, the washers being configured so that each can be pushed onto the connection from the outside and in horizontal direction, whereby, when installed, the upper washer **22** is fixed to the upper connection component **18** and the lower washer **23** to the lower connection component **19**, whereby upper and lower engaging sections are each formed on the respective washer segments (Figures 1 and 3).

As to claim 3, Draut discloses a locking device wherein the shell segments **11,12** are connected to each other in the installed state (Figure 2).

As to claim 4, Draut discloses a locking device wherein the engaging sections of each shell segment **11,12** are each formed by a projection that is formed from the upper or lower edge at an essentially right angle (Figure 1).

The applicant is reminded that patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production. " In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

As to claim 5, Draut discloses a locking device wherein the engaging section of each washer segment **22,23** is formed by a projection protruding from the outer perimeter of the washer segment (Figure 1).

As to claim 6, Draut discloses a locking device wherein the projection protruding from the outer perimeter is stepped (Figure 1).

As to claim 7, Draut discloses a locking device wherein the engaging sections of each shell segment **11,12** extend along the entire upper or lower edge (Figure 2).

As to claim 8, Draut discloses a locking device wherein the engaging section of each washer segment **22,23** extends along the entire outer perimeter (Figure 3).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Tseng (US 6,616,112).

As to claim 1, Tseng discloses a locking device for vertical connection of an upper connection component **10**, that comprises an upper engaging section, to a lower connection component **20**, that comprises a lower engaging section, the upper connection component and the lower connection component being spaced apart by a substantially nonadjustable, fixed distance, the locking device comprising two shell

Art Unit: 3679

segments **30,50** each of which only partially extends around opposite vertical sides of the connection (shell segments **30,50** each comprise bolt holes disposed around vertical sides of each shell segment, shell segments **30,50** only partially extend around opposite vertical side of the connection within the plane passing through the bolt holes) from the outside and in horizontal direction, with the shell segments comprising an upper and a lower edge adjacent to each of which an upper and a lower engaging section facing the connection is provided so that, should the connection of the two connection components come apart, the upper engaging section of the shell segments is supported against the upper engaging section provided at the upper connection component, while the lower engaging section of the shell segments holds the lower engaging section of the lower connection component (Figures 1 and 4).

As to claim 3, Tseng discloses a locking device wherein the shell segments **30,50** are connected to each other in the installed state (Figure 4).

As to claim 7, Tseng discloses a locking device wherein the engaging sections of each shell segment **30,50** extend along the entire upper or lower edge (Figure 4).

As to claim 9, Tseng discloses a locking device capable of use as a pivot connection of a ceiling-mounted medical supply unit.

### ***Response to Arguments***

5. Applicant's arguments filed August 10, 2005 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

Art Unit: 3679

Draut does not disclose a locking device wherein *the upper connection component and the lower connection component are spaced apart by a substantially nonadjustable, fixed distance.*

Examiner disagrees. As to claim 1, Draut discloses a locking device wherein the upper connection component **18** and the lower connection component **19** are spaced apart by a substantially nonadjustable, fixed distance (upper and lower connection components **18,19** are frictionally locked at a spaced apart, nonadjustable, fixed distance once shell segments **11,12** and keys **21** are assembled in a locked position; Figures 1 and 2).

As to claim 1, Attorney argues that:

Tseng does not disclose a locking device comprising two shell segments *each of which only partially extends around opposite vertical sides of the connection.*

Examiner disagrees. As to claim 1, Tseng discloses a the locking device comprising two shell segments **30,50** each of which only partially extends around opposite vertical sides of the connection (shell segments **30,50** each comprise bolt holes disposed around vertical sides of each shell segment, shell segments **30,50** only partially extend around opposite vertical side of the connection within the plane passing through the bolt holes; Figures 1 and 4).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3679

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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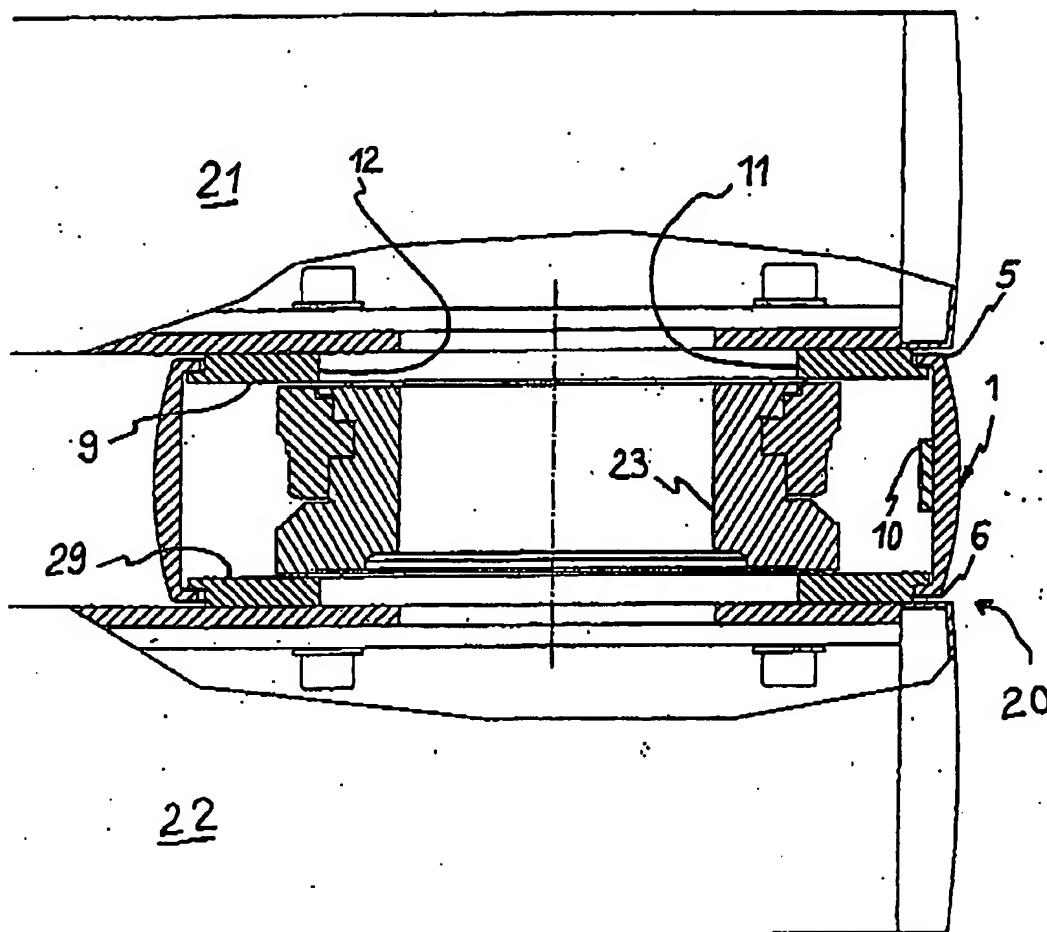
DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

REPLACEMENT SHEET

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Fig. 1



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